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PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket Number (Optional)
EMP04-49

In re Application of: Emprlix Inc.

Application No. 09/548,203

Filed: April 13, 2000

For: METHOD AND SYSTEM FOR TESTING TECHNOLOGY BASED SOFTWARE COMPONENTS

The owner, Emprlix Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/482,178, filed on January 12, 2000, of any patent on the second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

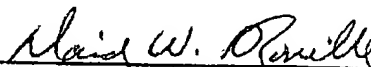
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.



March 7, 2005

Signature

Date

David W. Rouille, Esq.

Typed or printed name

508-366-9600

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.**

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ATTORNEY DOCKET NO.: EMP04-49IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Theodore M. Osborne, II, Michael V. Glik, Caren H. Baker, George Friedman and Walter G. Vahey
Serial No.: 09/548,203
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Filing Date: April 13, 2000
Examiner: Mary J. Steelman
Art Unit: 2122
Conf. No.: 6649

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TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application, Total Pages: 1;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-0901, if necessary.

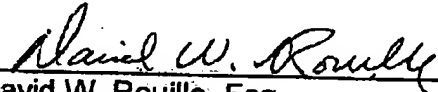
U.S. Application No.: 09/548,203Attorney Docket No.: EMP04-49

- 2 -

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: EMP04-49Dated: March 7, 2005